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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STEHLER HARRIS and DAVID ELLIOT,)
individually and on behalf of all others) Civil Action No. 2:20-cv-02202
similarly situated,) (MCA)(MAH)
)
Plaintiffs,) Honorable Madeline Cox Arleo
) United States District Judge
v.)
) Honorable Michael A. Hammer
) United States Magistrate Judge
EVONIK CORPORATION, PRESIDENT)
OF EVONIK CORPORATION, BOARD)
OF DIRECTORS OF EVONIK) CLASS ACTION
CORPORATION, EVONIK INVESTMENT)
COMMITTEE, and JOHN DOES 1-30.)
)
Defendants.)

DECLARATION OF STACEY C.S. CERRONE

Pursuant to 28 U.S.C. §1746, I, Stacey C.S. Cerrone, declare the following to be true and correct:

1. I am a Principal with the law firm of Jackson Lewis P.C., attorneys for Defendants, Evonik Corporation (“Evonik”), the President of Evonik, the Board of Directors of Evonik (“Board”), and the Evonik Investment Committee (collectively, “Defendants”) in this action. This declaration is based on my personal knowledge and review of Jackson Lewis P.C. business records and is submitted in support of Defendants’ application for an award of its taxable costs in this action pursuant to 28 U.S.C. § 1920, Rule 54 of the Federal Rules of Civil Procedure, and Rule 54.1 of the Local Civil Rules of this Court. As the prevailing party, Defendants seek recovery of their

taxable costs in the amount of \$23,124.44, as detailed herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Letter Order granting summary judgment in favor of Defendants entered as Dkt. 101 on June 28, 2024.

3. Attached hereto as **Exhibit B** are true and correct copies of invoices for transcription costs (i.e., costs of transcripts and reporter appearances) incurred and paid by Defendants in connection with the depositions of Plaintiff Stehle Harris (May 24, 2022); Plaintiff David Elliott (June 2, 2022); Randy Cherkis (June 22, 2022); Jignesh Amin (June 24, 2022); Burkhard Zoller (June 30, 2022); John Rolando (June 30, 2022); Defendants' expert, John Chalmers (February 15, 2023); Defendants' expert, Steve Case (February 28, 2023); Plaintiff's expert, Eric Dyson (March 7, 2023); and Defendants' expert Steve Gissiner (March 27, 2023). These deposition transcripts were necessarily obtained for use at trial and to impeach Plaintiff's expert. The amount of these transcription costs, \$11,756.07, is entered in the Bill of Costs under "Fees for printed or electronically recorded transcripts necessarily obtained for use in the case."

4. Attached hereto as **Exhibit C** is a true and correct copy of an invoice for the costs of printing the discovery documents, plan documents and amendments, service provider agreements and contracts, fee disclosures, investment policy statements, and investment committee meeting materials. These documents were obtained for preparation of and examination of witnesses during deposition as well as for use in connection with Defendants' Motion for Summary Judgment and Motion to Exclude the Expert Testimony and Opinions of Plaintiffs' Expert. Defendants seek a total of \$2,105.17 in printing costs, which is entered in the Bill of Costs under "Fees and disbursements for printing." This amount excludes late fees paid on the attached invoices.

5. Attached hereto as **Exhibit D** is a true and correct copies of invoices for the costs of copying discovery documents, plan documents and amendments, service provider agreements and

contracts, fee disclosures, investment policy statements, and investment committee meeting materials. These documents were obtained for preparation of and examination of witnesses during deposition as well as for use in connection with Defendants' Motion for Summary Judgment and Motion to Exclude the Expert Testimony and Opinions of Plaintiffs' Expert. Defendants seek a total of \$9,263.20 in reproduction costs, which is entered in the Bill of Costs under "Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case." This amount excludes late fees paid on the attached invoices.

6. The costs set out in the Bill of Costs and listed above are correctly stated, allowable by law, and were actually and necessarily incurred in the case.

WHEREFORE, declarant requests that costs in the amount of \$23,124.44 be taxed against Plaintiffs Stehle Harris and David Elliott in favor of Defendants in this action.

I declare, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: July 29, 2024

By: s/ Stacey C.S. Cerrone
STACEY C.S. CERRONE